

TTAB  
T.D

1118/70951

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X  
METAGENICS, INC.,

*Opposer,*

v.

COLLAGENESIS, INC.

*Applicant.*  
-----X

09-07-2001

U.S. Patent & TMOfo/TM Mail Ropt Dt. #77

Opposition No. 111,016

EXPRESS MAIL CERTIFICATE

Date 9/7/01 Label No. 0706718403-5

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 by "Express Mail Post Office to Addressee" service.

D. Perez  
Name (Print)

[Signature]  
Signature

MOTION ON CONSENT TO AMEND APPLICATION

The parties, through their attorneys, have agreed to settle this matter upon amendment of Application Serial No. 75-133,490.

Accordingly, pursuant to Trademark Rule of Practice § 2.133, Applicant respectfully requests that the identification of goods for the mark **COLLAGENESIS** in **International Class 5** be amended from:

**“full line of collagen-based preparations derived from human connective tissues and from non-human animal sources for use as bio-plant and drug delivery systems in medical application and for cosmetic and reconstructive surgery, urology, otolaryngology, ophthalmology, oncology, wound management, orthopaedic surgery and tissue regeneration”**

[Signature]

to:

**“Processed tissue for medical implantation sold only to  
physicians and hospitals.”**

As the proposed amendment is in compliance with all statutory provisions and rules and as Opposer's attorney, Grant Clayton, has consented to the amendment, Applicant respectfully requests that the Board grant the motion to amend and approve the amendment.

Additionally, pursuant to Trademark Rule of Practice Rule 2.117, the parties hereby consent to and request that the proceedings for Opposition No. 111,016 be suspended pending the Board's determination of the Motion on Consent to Amend Application.

Respectfully submitted,

Date:

9/7/01



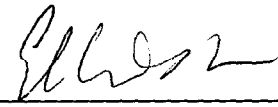
Elliot R. Basner  
Attorney for Applicant  
Darby & Darby, P.C.  
805 Third Avenue, 27th Floor  
New York, NY 10022

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **MOTION ON CONSENT TO AMEND APPLICATION**, was served by first class mail on Opposer at the address set forth below:

Grant Clayton, Esq.  
Clayton, Howarth & Cannon  
10150 South Centennial Parkway - Suite 400  
Sandy, Utah 84070

this 7<sup>th</sup> day of September, 2001

  
\_\_\_\_\_  
Elliot R. Basner